

1 Frank S. Hedin (SBN 291289)
Hedin LLP
2 535 Mission Street, 14th Floor
San Francisco, CA 94105
3 Telephone: (305) 357-2107
Facsimile: (305) 200-8801
4 E-Mail: fhedin@hedinllp.com

5 *Attorney for Plaintiff and the Putative Class*

6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**

8 JENNIFER CARRUTH, individually and on
behalf of all others similarly situated,

9 Plaintiff,

10 v.

11 KD CREATIVES, INC. D/B/A BIG
LITTLE FEELINGS,

12 Defendant.

Case No.
2:24-CV-02484-DAD-SCR

**FRANK HEDIN DECLARATION
IN SUPPORT OF
MEMORANDUM OF LAW IN
OPPOSITION TO
DEFENDANT'S MOTION TO
COMPEL ARBITRATION**

13
14 Complaint filed: Sept. 12, 2024
Hearing: February 3, 2025
Time: 1:30 p.m.
Courtroom: 4
15 District Judge: Hon. Dale A. Drozd
16
17
18
19
20

1 I, Frank S. Hedin, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746
2 and based on my own personal knowledge, that the following statements are true:

3 1. I am a member in good standing of the California Bar and of this Court. I
4 make this Declaration in support of Plaintiff's Memorandum of Law in Opposition to
5 Defendant's Motion to Compel Arbitration.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of a screenshot,
7 taken by me on a mobile device, of the main page for Defendant's website as it
8 appeared when I accessed it on the mobile device.

9 3. Attached hereto as **Exhibit 2** is a true and correct copy of a screenshot,
10 taken by me on a mobile device, of the checkout screen that loaded when I added an
11 item to my shopping cart on Defendant's website using the mobile device. As shown
12 in the screenshot, nothing below the "Checkout" button is displayed on the screen of
13 the mobile device when the checkout screen loaded.

14 4. In order for any content below the "Checkout" button on this checkout
15 screen to become visible on the mobile device, I was required to scroll down on this
16 screen past the button, as shown in a screenshot of the checkout screen taken by me
17 after I scrolled down on the screen past the button, a true and correct copy of which is
18 attached as **Exhibit 3**.

19 I declare, under penalty of perjury, pursuant to the laws of the United States of
20 America that the foregoing is true and correct.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Executed this 8th day of January 2025 in Miami, Florida.

/s/ Frank S. Hedin
Frank S. Hedin